

PUBLIC NOTICE

**US Army Corps
of Engineers®**

TO ESTABLISH A REGIONAL GENERAL PERMIT
FOR DEBRIS BASIN MAINTENANCE AND RELATED
ACTIVITIES IN SANTA BARBARA COUNTY

LOS ANGELES DISTRICT

Public Notice/Application No.: 200301473-MWV

Comment Period: September 10, 2003 through October 9, 2003

Project Manager: Matthew Vandersande (805) 585-2151 matthew.w.vandersande@usace.army.mil

Applicant

Santa Barbara County Flood Control
& Water Conservation District
123 East Anapamu Street
Santa Barbara, California 93101-2025

Contact

Karl Treiberg
(805) 568-3443

Location

Seventeen debris basins in 14 different waterways between Carpinteria and Goleta, in the foothills of the Santa Ynez Mountains along the south coast of Santa Barbara County, California.

Action

To establish a regional general permit to conduct maintenance activities (i.e., excavation of sediment and debris) and modify several of the outlet structures at the District's debris basins. For more information see page 3 of this notice.

Interested parties are hereby notified that the Corps is considering establishing a regional general permit for the activities described herein and shown on the attached drawings. Interested parties are invited to provide their views on the proposed action, which will become a part of the record and will be considered in the decision. This permit will be issued or denied under Section 404 of the Clean Water Act of 1972 (33 U.S.C. 1344). Comments should be mailed to:

U.S. Army Corps of Engineers, Los Angeles District
Regulatory Branch - Ventura Field Office
ATTN: CESPL-CO-R-200301473-MWV
2151 Alessandro Drive, Suite 110
Ventura, California 93001

Alternatively, comments can be sent electronically to: matthew.w.vandersande@usace.army.mil

Evaluation Factors

The decision whether to establish a regional general permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activities on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof. Factors that will be considered include conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people. In addition, if the activities considered under the proposal would discharge dredged or fill material, the evaluation of the activity will include application of the EPA Guidelines (40 CFR 230) as required by Section 404 (b)(1) of the Clean Water Act.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed action. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Preliminary Review of Selected Factors

EIS Determination - A preliminary determination has been made that an environmental impact statement is not required for the proposed action.

Water Quality - The Corps is requesting consideration by the California Regional Water Quality Control Board for certification of the proposed action under Section 401 of the Clean Water Act. If Section 401 certification is not granted, the applicant must provide proof of water quality certification to the Corps of Engineers prior to implementation of any specific action requiring a 404 permit.

Coastal Zone Management - The District has certified that its proposed activities comply with and will be conducted in a manner that is consistent with the approved State Coastal Zone Management Program. The District Engineer hereby requests the California Coastal Commission's concurrence or nonconcurrence.

Cultural Resources - The Corps has determined the likelihood of eligible cultural resources occurring in the basins as being low. This determination is based on: (1) no record of listed sites in previous permit actions; (2) the location of the basins within the active waterways; and, (3) previous excavation activities. This review constitutes the extent of cultural resources investigations by the District Engineer, and he is otherwise unaware of the presence of such resources.

Endangered Species - Preliminary determinations indicate that the proposed activity may affect a federally listed species, southern steelhead, known to occur within several of the drainages. Therefore, consultation under Section 7 of the Endangered Species Act will be requested from the National Marine Fisheries Service (NMFS). Previous surveys of the basins have failed to identify the presence any other listed species, such as California red-legged frog.

Public Hearing - Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this action. Requests for public hearing shall state with particularity the reasons for holding a public hearing.

Proposed Activities for Which a Permit is Required

To conduct routine and long-term maintenance in 17 debris basins located in 14 different waterways between Carpinteria and Goleta, in the foothills of the Santa Ynez Mountains along the south coast of Santa Barbara County. The basins are located in Arroyo Paredon, Cold Springs, Franklin, Gobernador, Maria Ygnacio (Main and East Fork), Mission, Montecito, Rattlesnake, Romero, San Antonio, Santa Monica, San Roque, San Ysidro, and Toro (East Fork, Lower West Fork, and Upper West Fork) Creeks.

The District proposes to conduct routine maintenance on an annual basis and long-term maintenance on an as needed basis. Routine and long-term maintenance would be restricted to between May 1 and November 15. Between November 15 and May 1, maintenance may be conducted for emergency purposes only. Additionally, some of the basin embankments would undergo modification of the outlet structure to facilitate fish passage. The Corps is evaluating the proposed work for a 5-year Regional General Permit (RGP).

ROUTINE MAINTENANCE

Routine maintenance would involve clearing a 15-foot wide pilot channel from the upstream end of a basin to the outlet structure. The channel would fan out to 30 feet wide near the outlet. Material dislodged during the channel creation would be windrowed to help contain the flows within the channel. Building windrows would increase the channel disturbance width approximately 15 feet. In addition, the dam face and a 10-foot-wide swath adjacent to the toe of the dam would be kept clear of vegetation using hand tools and herbicide. The District would also conduct selective pruning of vegetation in the basins. These activities would facilitate water and sediment transport through the basins during normal rainfall events while also allowing habitat to develop. The District would be required to notify the Corps, in writing, prior to conducting routine maintenance. No compensatory mitigation would be required for routine maintenance.

LONG-TERM MAINTENANCE

Long-term maintenance would involve the complete removal of all debris in a basin. Excavated sediment would be disposed of offsite. This would occur when a basin has filled to approximately 25% of its capacity or following a significant fire in the watershed. The District would be required to notify the Corps, in writing, prior to conducting long-term maintenance. No compensatory mitigation would be required for long-term maintenance.

EMERGENCY MAINTENANCE

Emergency maintenance would occur following an extreme rainfall event that resulted in a substantial loss of basin capacity or following a significant fire in the watershed. Emergency maintenance would involve complete removal of all debris in a basin. The District would be required to notify the Corps over the phone or in writing prior to conducting emergency maintenance.

EMBANKMENT MODIFICATION

Several of the basins have been identified as impediments to fish passage, most notably to steelhead. The District plans to modify the embankments on several of the creeks to facilitate fish passage. These modifications may include enlarging the culvert and installing baffles, constructing a fishway through or over the embankment, or reconstruction of the embankment to allow low flows to pass through at the grade of the creek. In addition, boulder weirs may be built downstream of the basin for the purpose of raising the water surface elevation at the embankment outlet. Compensatory mitigation may be required for impacts to waters of the U.S. resulting from the modifications.

Additional Project Information

Similar maintenance activities were previously authorized under RGP 49. RGP 49 was issued on February 11, 1997 and expired on February 11, 2003. RGP 49 authorized work in 16 of the debris basins currently under consideration; the seventeenth basin in Montecito Creek was built in September 2002. The District is requesting establishment of another RGP for these ongoing maintenance activities.

The applicant has prepared an Environmental Impact Report (EIR), dated November 2001, for all their maintenance activities in Santa Barbara County, including maintenance of these debris basins. Comments for the EIR were received from the public and incorporated into the document. The updated debris maintenance plan, dated July 2003, is available for review upon request.

Proposed Special Conditions

The District has proposed mitigation measures for impacts associated with the proposed work. These measures were identified in the November 2001 EIR, and include, in part:

- Roughening the cleared channels to promote microtopographic complexity and habitat.
- Limiting maintenance to only those areas that are in need of maintenance.
- Minimizing vegetation removal to the least amount necessary.
- Applying herbicide when stream flows are minimal.
- Conducting annual spring field assessments to identify biologically sensitive species.
- Scheduling maintenance to avoid sensitive species.
- Monitoring of maintenance activities by the District biologist.

For additional information please call Matthew Vandersande of my staff at (805) 585-2151. This public notice is issued by the Chief, Regulatory Branch.

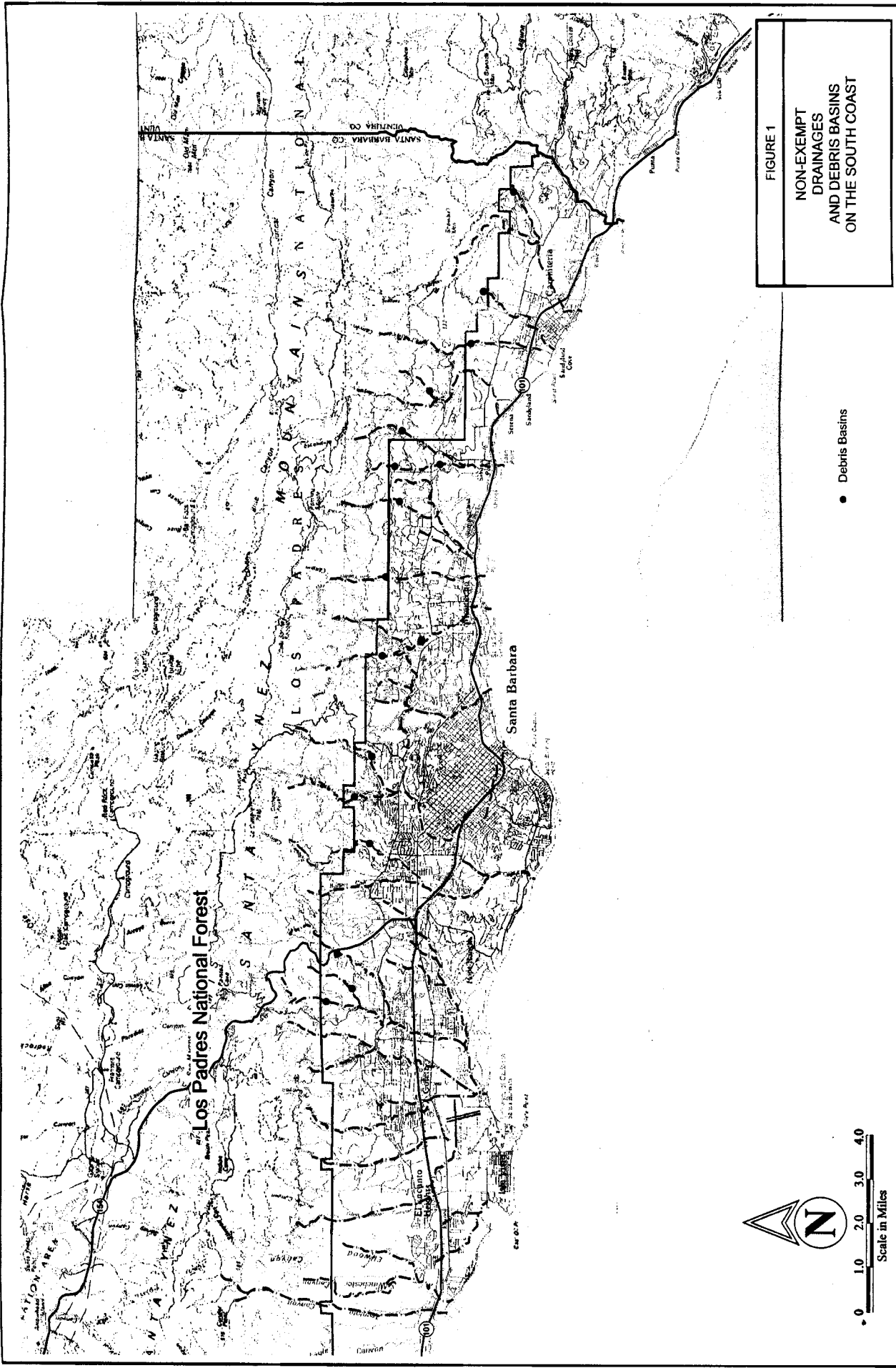


FIGURE 1

NON-EXEMPT
DRAINAGES
AND DEBRIS BASINS
ON THE SOUTH COAST

DEBRIS BASIN PILOT CHANNEL

TYPICAL CROSS-SECTION

